

## Fashionable Linens

## For Coat Suits

Nothing is more serviceable to have than a Linen Coat Suit, and they are of great service when traveling or very comfortable to have while at the seashore or mountains. We have a new and complete line of all the most popular linens for suits, in most any desirable color. See the two specials, as follows:

Flemish Linens, 48 inches wide, in all the popular colors, the correct weight for coat suits; the usual price is 85c; our special at, per yard..... **59c**

Ramie Linens, 36 inches wide; colors, pink, green, blue, tan and white; regular 48c quality for, per yard... **39c**

## Miller &amp; Rhoads

## ISSUE SUBPOENAS FOR RAILROAD MEN

Stevens, Axtell and Others to Explain Hocking Valley Deal To-Day.

Testimony will be given before Judge Slater in the United States District Court at Columbus, Ohio, to-day in the suit brought by John S. Stanton and D. H. Gould on behalf of the minority stockholders of the Kanawha and Michigan against the Hocking Valley, the Chesapeake and Ohio and the Lake Shore Railroads.

Subpoenas have been issued requiring the presentation of all books and papers bearing upon the recent partition of the Hocking Valley system between the Lake Shore and the Chesapeake and Ohio, together with all traffic and truckage agreements between the three. The following witnesses have been ordered to appear before the court at the time:

Frank Trumbull, chairman of the board; George W. Stevens, president, and J. S. Mackie, secretary and treasurer, of the Chesapeake and Ohio; William C. Brown, president; Charles E. Schaff, vice-president, and W. H. New, director, of the Lake Shore; Nicholas Monserrat, president of the Hocking Valley and of the Kanawha and Michigan; W. N. Cott, secretary and treasurer, and G. D. Mackay, W. H. Goodby and Charles G. Hiekkok, directors, of the Kanawha and Michigan; F. D. Underwood, president of the Erie; Charles Steele, of J. P. Morgan & Co.; A. H. Guillard, director of the Hocking Valley and the Kanawha and Michigan, and Decatur Axtell, a director of the Chesapeake and Ohio and the Kanawha and Michigan.

## MAY SELL PROPERTY

Court Order Provides for Payment of Church Debt.

An order was entered yesterday in the City Circuit Court, authorizing the trustees of the First Church of the Scientist, to sell certain real estate belonging to the congregation, as follows:

One lot adjoining present church, on Park Avenue, east of Meadow Street, to George B. Jennings, for \$2,500, the proceeds of this sale to be used to discharge a debt of \$2,500 on the property belonging to the church; and to sell the adjoining lot on Park Avenue, east of Meadow Street, to Freeman Dances, for \$2,500, the proceeds to be used in reducing the debt of \$5,000 on the church building.

An order was also entered in the City Circuit Court appointing Thomas Page, a trustee of Rising Mount Zion Baptist Church, colored, in place of Leonard Smith.

## AIR QUESTION, THIS

Wireless Company Claims It Needs No Special Franchise.

City Electrician W. H. Thompson has been notified of the intention of the Continental Wireless Telephone and Telegraph Company to establish an office in Richmond. The company has no franchise to operate here, and the City Electrician has passed the question up to the State. Since it does not use the streets for poles or wires or conduits, the agents of the company claim that they may do business on payment of the ordinary license, without any special franchise, which, under the State Constitution, would have to be put up and sold to the highest bidder.

The Wednesday Club to Sing.

The Wednesday Club Chorus will sing at the piano exhibit on Saturday night, and the rehearsal for this concert will be held to-night at 8:30 o'clock in the assembly hall of Murphy's Hotel.

All members of the chorus are expected to be present. The former members of the Wednesday Club are cordially invited to participate.

A clear brain and Steady, dependable nerves Can win wealth and fame For their owner.

Clear-headedness and a Strong, healthy body Depend largely on the Right elements in Regular food and drink.

Coffee contains caffeine—A poisonous drug.

Postum is rich in the Gluten and phosphates that Furnish the vital energy

That puts "ginger" and "hustle"

Into body and brain.

"There's a Reason"

## WILL NOT CERTIFY INCOME TAX VOTE

Governor Mann Thinks It Not His Duty to Report to Congress.

## NEXT LEGISLATURE MAY ACT

Status to Remain Same as If No Vote Had Been Taken.

In all probability Governor Mann will not certify to the national government the action of the Virginia Legislature in refusing to ratify the proposed Sixteenth Amendment to the Constitution of the United States. Although he has not made an irrevocable decision, he indicated clearly yesterday that he did not think it his duty to take this action.

"Had the action been favorable," said the Governor, "it would have been mandatory upon me to communicate the fact to the President of the United States, the Vice-President as President of the Senate, and the Speaker of the House of Representatives. But in view of the fact that the House did not pass either the Wilson bill or the Halsey resolution, I do not think I should take any action whatever."

Action Elsewhere. The executive said, however, that it had occurred to him to find out what action had been taken by other States which have refused to ratify the amendment. He therefore requested Representative C. C. Carlin, of the Eighth District, who called at the Capitol yesterday, to make inquiries on this point. It is understood that the other rejecting States have made no move.

"The next Legislature," said the Governor, "could, in my opinion, take up the matter and pass a bill or resolution ratifying the amendment allowing Congress to impose an income tax. In view of this I do not think I should certify the unfavorable action of the House of Delegates."

Under the leadership of Speaker Byrd, the House of Delegates refused to order the Wilson bill, ratifying the amendment, to its engrossment and third reading. A resolution of the same import, introduced by Senator Halsey in the upper branch, passed there, but died on the House calendar.

## MILLION DOLLAR INCREASE

Permits This Year Already Exceed Last Year by \$800,000.

Comparative figures compiled by Clerk Byrd in the office of the Building Inspector show that up to the present time this year the total of building permits in Richmond exceeds the total for the corresponding period of last year by \$800,000. With the large buildings already in sight, some of which are under contract, but on which the plans have not been approved by the Building Inspector, it is believed that the total of building operations will reach a record of over a million dollars; and it should be remembered that last year broke all previous records in the history of the city, and was, up to that time, the banner year.

A permit was issued yesterday to Mattie E. Wood, to erect a detached two-story frame dwelling, on Ninth Street, between Perry and Porter Streets, Washington Ward, to cost \$1,250.

## RICHMOND PEOPLE TO ATTEND BIG CONFERENCE

Delegates to the World's Sunday School Association, which opens in Washington to-day, will have an opportunity to board a special train passing through Richmond to-morrow morning, leaving Elba Station at 7 o'clock, and returning will leave the capital to-morrow night at 5:30, arriving here about 1:15.

Charles R. Guy, of Richmond, president of the Virginia Federation, and others will attend the address, and welcome will be delivered by President Taft.

It is estimated that the attendance will be the highest yet, as delegates will come from almost every country on the globe. This is the sixth convention ever held and the first in the United States. Last year it was held in London.

## Sent On to Grand Jury.

John Lawrence, colored, charged with breaking into the stable of B. F. Hamilton, 5001 East Main Street, and stealing therefrom a set of harness, was sent on to the grand jury from Police Court yesterday morning.

## Graves Are Strewn With a Profusion of Flowers.

Under brilliant May skies the annual Memorial Day services were held yesterday afternoon in the Hebrew Cemetery, on North Fifth Street, in the presence of a large gathering. Company B, First Virginia Regiment of Infantry, formerly known as the Walker Light Guard, in accordance with an annual custom, escorted the members of the Hebrew Memorial Association to the burying ground and fired the annual salute at the conclusion of the services.

The memorial address was delivered by Dr. E. N. Calisch, of Beth Abrahah Temple. A large part of the service was of a musical character, the music being under the direction of Professor Jacob Reinhardt, with a specially selected chorus, which in the open air seemed especially sweet. A profusion of flowers had been sent during the day, and the graves had been decorated by a special committee, headed by Miss Moses, who has had charge of the details for the memorial event.

Marriage Licenses. Marriage licenses were issued yesterday in the City Circuit Court to George W. Evans and Martha A. Charles, to Joe Pirelli and Mamie Lewis, to Nathaniel Bartley and Catherine E. Hartley, to Howard Crawford and Sude Traylor, and to Samuel J. Garthright and Lillian Donati.

Get Your Straw Hat at Jacobs & Levy's "The Quality Shop"

## LAWYER'S SPEECH BASIS FOR APPEAL

Petitioner Says Attorney H. M. Smith Used Improper Language Before Jury.

## LOCAL CASES IN HIGH COURT

Suits Are Against Street Car Company—Two Petitions Refused.

Two local cases were admitted in the Supreme Court of Appeals yesterday on writs of error, while at the same time writs were refused in two cases from other points in the State. Both of those granted were suits against the Richmond street railway owners, the company winning both points.

One of the suits on appeal is styled the Richmond Passenger and Power Company and Henry T. Wickham and William Northrop receivers, against J. A. Turpin, from the Circuit Court of Chesterfield county. Turpin was injured in an accident on Hull Street in Manchester, on November 10, 1906, through his horse being frightened by a street car.

The reasons given for asking for the writ of error by the petitioners include a statement of improper remarks made by Harry M. Smith, Jr., counsel for Turpin, before the jury, and the failure of the court to instruct the jury to disregard these remarks. It is stated that Mr. Smith said in effect that he and his client had no trained corps of men to see that corporations did not pay damages for injuries. The claim is that it is improper for Mr. Smith to have depicted the plaintiff as a poor man and the defendant as a rich corporation. Turpin got a verdict for \$2,000 damages.

Richmond Case. The other street car case is from the Law and Equity Court of the city of Richmond, having been instituted by Virginia D. Leftwich, administratrix of Robert Hyde Leftwich, deceased, against Henry T. Wickham and William Northrop, receivers for the Virginia Passenger and Power Company, the Richmond Passenger and Power Company, and the Richmond Traction Company.

Leftwich received fatal injuries on August 17, 1907, at the corner of Main and Laurel Streets. He had boarded a Main Street car eastbound, securing a transfer to North Laurel. At the corner he stepped on foot or fell, receiving injuries which resulted in his death within a few hours. The company in its defense alleged negligence and intoxication on the part of Leftwich.

The evidence tended to show that the car had stopped for a short time only, and that other passengers had alighted. The jury gave the plaintiff a verdict for \$2,000.

Delinquent Tax Suit. One of the appeals refused was that of the Fidelity Wall Paper Company, of Roanoke, against John L. Irvin, from the Corporation Court of the city of Roanoke. This involves the title to a lot in that city, which the latter company claimed to own and which Irvin claimed to have transferred from the company to Irvin.

The whole question depends on the validity of a delinquent tax deed made for the property. Irvin and others entered a sort of partnership in boom days in Roanoke in 1890 to own and operate a property. The lot in question went by one year without the taxes having been paid, and in due course of time it was sold for delinquent taxes and bought in by a party, who later transferred it to Irvin.

The petition indicated that the judgment might have been influenced by prejudice against the "land-grabbers' act."

The remaining case is that of the Baltimore, Chesapeake and Atlantic Railway Company, plaintiff in error, against George D. Mason, defendant in error, from the Circuit Court of Accomack county. It was also disapproved by the court.

This suit was one for damages for injury to a plaintiff by falling through a wharf at which he was unloading potatoes. A board in the wharf, it is said, broke and Mason fell through, sustaining serious injuries. He gets damages to the amount of \$500.

## COAL DEALER IN BANKRUPT COURT

James I. Smith & Company Filed Voluntary Petition—Court of Appeals.

Voluntary bankruptcy proceedings were yesterday filed in the United States District Court by James I. Smith & Company, coal and wood dealers, claiming \$13,253.35 as assets, and liabilities of \$7,816.94. Attorney Samuel L. Kelly represents the bankrupt.

In the United States Circuit Court of Appeals yesterday the case of the tug "M. E. Luckenbach" against Axel Falkenstrom, an action for libel, on appeal from the District Court at Norfolk, was heard and the verdict of the trial court affirmed. The suit is one claiming damages for injuries to the vessel.

The case of Tippet & Wood against John A. Barham, Ketchikan Harbor Trust Company, of New York, claiming \$5,000 for building a standpipe for the Peninsula Pure Water Company, of Hampton, on appeal from the District Court at Norfolk, was argued yesterday in the United States Circuit Court of Appeals. Judges Fitchard, Gott and District Judge Keller have taken the matter under advisement.

Attorney W. C. L. Tallafiero, of Hampton, represented Tippet & Wood, while Attorneys William H. White, Jr., of Norfolk, and Henry W. Anderson, of Richmond, appeared for the appellees.

The United States Circuit Court of Appeals will to-day hear argument in the case of John L. James, bankrupt, against Stone & Company, creditor, on appeal from the District Court at Wilmington, N. C. Attorney H. L. Stevens, of Warsaw, N. C., and Henry B. Miller, of Richmond, represent the appellant, while Attorney Fredell Meares, of Wilmington, N. C., appears for Stone & Company.

## Men's Suits, Worth Up to \$25.00, Choice \$14.50

An unusual opportunity for men who want clothes of Quality, Character and Exclusiveness.

The result of a very extraordinary and opportune purchase is placed at your disposal. We have purchased the sample lines from several of the manufacturers who make the Gans-Rady clothing for us.

The suits are of the latest weaves and models and include Serges, Light and Dark Cheviots and Worsteds of desirable colorings. Not a suit in the lot worth less than Twenty Dollars; most of them are Twenty-five Dollar values. Take your choice, beginning this morning, at

## FOURTEEN-FIFTY

## \$2.50 and \$3.00 Straw Hats, Choice \$1.65

While you are buying a suit get one of the Gans-Rady Special Straws at \$1.65. Equal in appearance and satisfaction to the best \$2.50 and \$3.00 Hats.

## Gans-Rady Company

## CONVENTION HAS HARD DAY'S WORK

Funeral Directors of Virginia Hear Expert Who Speaks on Embalming.

The twenty-third annual convention of the Virginia Funeral Directors' Association opened yesterday at 12 o'clock in the Virginia Mechanics' Institute, being called to order by President W. J. Morrisette, of Richmond. A rather lengthy program occupied the attention of the convention, and there is an important program of reports and addresses scheduled for to-day.

President Morrisette yesterday delivered the opening address, in which he showed how greatly the association had grown and how much it had benefited its members. Professor A. Renouard, of New York, delivered an interesting address on embalming and on general professional topics. L. T. Christian, of Richmond, representative to the last national convention, which was held in Portland, Ore., read his report, which was highly interesting in showing what the national convention had done for the good of the association. The report of the secretary and treasurer showed that the association was in good financial standing and that its membership had greatly increased in the last few years.

The convention will hold its sessions to-day in the hall of the Medical College of Virginia. The program includes reports of committees, addresses by members of the association, address by Rev. H. D. C. MacLachlan, pastor of Seventh Street Christian Church; general discussion of professional subjects, address by Dr. E. C. Levy, health officer, and a question box, the questions to be answered by Professor Renouard.

Police Court Upheld. Acy Walker, colored, who had appealed from conviction in Police Court for violation of a city ordinance, in that he cursed and abused Susan and Carry Johnson, was convicted in the Hustings Court yesterday. He was fined \$10 and required to pay the costs of the prosecution.

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## BIDS TOO LOW ON FORD PROPERTY

Commissioners Decline to Sell Hotel and Law Building at Prices Offered.

Willis Bruce Dowd, of New York City, qualified yesterday in the Chancery Court as executor of the will of Mrs. Florence Belle Quincy, daughter of the late A. J. Ford, and one of the principal heirs in the settlement of the Ford estate. The estate of Mrs. Quincy in Virginia is placed at \$15,000. The estate is an exceedingly large one elsewhere, as is shown by the bequests, among others a provision for a payment to her only son of \$25,000 a year until he is thirty-six years of age. It is understood that a large property was settled on Mrs. Quincy before her death by her husband, who survived her.

Efforts made yesterday to dispose of the property of the Ford estate in this city under order of the Chancery Court were unsuccessful, the trustees buying in the property because of the low prices offered by the various bidders.

A large crowd had gathered to witness the sale of old Ford's Hotel, at one time one of the best known hostleries in Virginia, and recognized now as a valuable location facing the City Hall, for the entire block on Eleventh Street and having a valuable frontage on both Broad and Capitol Streets. The bidding began at noon.

E. A. Catlin, real estate auctioneer, announced the sale and the terms and conditions. He described the property as fronting 138 feet on Eleventh Street, running back between Broad and Capitol Streets, with a frontage on each of 116 feet. The bidding began at \$50,000 and ran up to \$85,000, where it stopped. Mr. Catlin had a conference with the commissioners, R. H. Talley, Richard Evelyn Byrd, David Meade White and Henry C. Riley, and after which he announced that the price offered was not satisfactory, and that the property would be withdrawn.

It was announced who made the largest offer, H. S. Wallerstein, who is said to own ninety-six feet adjoining on Broad Street, bid \$80,000 for the hotel. There were reports that a private offer of \$90,000 was made to the commissioners after the sale, but no announcement was made.

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## GREEN AND PARKER CASE IS APPEALED

Supreme Court Will Hear Suit Involving Large Sum in Commissions.

In the Supreme Court of Appeals yesterday the administrators of Bernard P. Green and John A. Parker secured a writ of error in their noted case against the Commonwealth, involving fees amounting to \$172,352.28. The case comes up on appeal from a decision of the Circuit Court of the City of Richmond.

This suit, while of interest because of the public nature of the claim and the large amount involved, is especially so because of the history which is a part of it. It goes back to the times of the War of 1812, when Virginia advanced sums of money to the Federal government.

As a denouement of the prolonged efforts of the agents and of the Virginia representation in Congress, a settlement of the case was finally reached, by which a set-off was made with some State bonds held by the United States. When the amount was balanced, it was found that the nation owed the State the enormous amount of \$5.50, which was solemnly paid into the treasury of the Commonwealth. Senators Daniel and Martin, Governor Montague and second Auditor John G. New figured largely in the final settlement.

Lost in Lower Court. The suit was inaugurated in the Circuit Court of the city of Richmond in the name of George B. Stone, administrator of Bernard P. Green, deceased, and Frank D. Vroman, administrator of John A. Parker, deceased, against Mary, Admisor of Public Accounts. The court dismissed the suit on the ground that since the accounts were set off, and there had been no real appropriation by Congress, the plaintiffs were not entitled to commissions, and for the further reason that the settlement was not secured by Messrs. Green and Parker, but through the efforts of the Senators and the State officials.

In 1850 Thomas Green was, by act of the Legislature, appointed an agent for Virginia to collect the amount due from the United States for the sums advanced during the War of 1812, amounting to \$1,723,522.63. He was to have 10 per cent. of the amount collected as his commission. It appears further that in February, 1850, Governor Wise, commissioned John A. Parker to take up the same work on similar terms. These men, who were well known citizens of this State, continued their efforts for years to secure the money, it being claimed for them that the State admitted in an act of 1851 that they had given their services. Both are now dead. It is stated that the feeling engendered by the Civil War prevented the earlier payment of the account.

Indian Trust Funds. It seemed that the United States held bonds of Virginia to the amount of \$59,450 by purchase on account of certain Indian trust funds. It was finally decided to let these accounts balance. When the interest on the bonds was computed and the final adjustment made it was found, as stated above, that the balance in favor of Virginia was only \$5.50.

In opposition to the reasons for the judgment of the lower court, the petitioners claim that the sum due the nation by the State accrued after their agency was created, and through no fault of theirs.

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Remember the Name **G.M. CO'S OLD STYLE PEARL I.C. RE-DIPPED** Stamped in the Tin

**TIN**

PEARL I. C. ROOFING TIN

Recommended by **GORDON-METAL CO.**

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One Dozen Heavy Gold Plated **SAFETY PINS** **25** **SMITH & WEBSTER** **CENTS** 612 E. Main St.